

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank the Examiner for carefully considering this application and for courtesies extended during the Examiner Interview conducted on December 7, 2006.

Disposition of Claims

Claims 4-20 and 30-36 are currently pending in this application. Claims 30, 31, and 34-36 are independent. The remaining claims depend, directly or indirectly, from claims 30 and 31.

Double Patenting

Claims 4-20 and 30-36 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,266,415 ("Campinos") in view of U.S. Patent No. 5,991,400 ("Kamperman"). This rejection is respectfully traversed.

As discussed with the Examiner during the Examiner interview of December 7, 2006, the combination of Kamperman and Campinos fails to teach or suggest the limitation of "re-encrypting the transmitted digital information using a recording encryption key." As agreed to by the Examiner, Campinos only discloses the re-encryption of a scrambled program, not of transmitted digital information including control words. Thus, Applicant asserts that the claims of the present application are not rendered obvious in view of Campinos and Kamperman, whether considered separately or in combination. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 4-8, 14-16, 30-32, 34, and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,266,415 (“Campinos”) in view of US Patent No. 5,991,400 (“Kamperman”). This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness “...the prior art reference (or references when combined) must teach or suggest all the claim limitations.” *See* MPEP § 2143.03. Further, “all words in a claim must be considered in judging the patentability of that claim against the prior art.” *See* MPEP § 2143.03. The Applicant respectfully asserts that the references, when combined, fail to teach or suggest all the claim limitations of the independent claims.

In particular, Campinos fails to disclose or suggest *re-encrypting the transmitted digital information*, as required by the independent claims. Rather, cited portions of Campinos disclose encryption and decryption of a user selected scrambled program, which corresponds to the scrambled data recited in the claimed invention. As discussed with the Examiner during the Examiner Interview of December 7, 2006, the claimed invention includes three distinct pieces of information: the transmitted digital data, the scrambled data, and the transmitted digital information. The transmitted digital data includes the scrambled data and the transmitted digital information (in encrypted form). What is *re-encrypted* in the claimed invention is the transmitted digital information, which includes control words, and not the scrambled data.

In contrast, the only information entity in Campinos that includes control words are ECMs, which are part of the “I” information entity disclosed in Campinos (*see* Campinos, column 1, lines 52-55). The ECMs disclosed in Campinos are not re-encrypted. Rather,

Campinos encrypts the scrambled program itself for transfer from the smartcard to the decoder (*see* Campinos, column 3, lines 10-18). The re-encrypted scrambled program does not contain any control words, and is therefore not the same informational entity that is re-encrypted in the present invention.

Further, Kamperman fails to supply that which Campinos lacks, as evidenced by the fact that Kamperman is used solely to teach storing the re-encrypted transmitted digital information and scrambled data, encrypting the recording encryption key with a recording transport key, and storing the encrypted recording encryption key on a recording support medium (*see* Office Action mailed October 25, 2006, page 4).

In view of the above, it is clear that Campinos and Kamperman fail to render the claimed invention obvious. Thus, independent claims 30, 31, 34, and 35 are patentable over Campinos and Kamperman, whether considered separately or in combination. Dependent claims 4-8, 14-16, and 32 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 9-13 and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Campinos in view of Kamperman, and further in view of U.S. Patent No. 5,621,793 ("Bednarek"). This rejection is respectfully traversed.

As described above, both Kamperman and Campinos fail to disclose all the limitations of independent claims 30 and 31. Further, Bednarek fails to supply that which Kamperman lacks. Specifically, Bednarek discloses a set-top box with a global positioning system (GPS) receiver. The GPS receiver checks to see if the set-top box is at an authorized location and allows descrambling of video signals only if the location is authorized (*see* Bednarek, Abstract).

Bednarek fails to disclose or suggest *re-encrypting* the transmitted digital information with a recording encryption key known to the decoder before storing the re-encrypted transmitted digital information to a recording support medium.

In view of the above, it is clear that amended independent claims 30 and 31 are patentable over Campinos, Kamperman, and Bednarek, whether considered separately or in combination. Dependent claims 9-13 and 33 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campinos, Kamperman, and further in view of European Patent No. 714204 ("Park"). This rejection is respectfully traversed.

As described above, Campinos and Kamperman fail to disclose all the limitations of independent claim 30. Further, Park fails to supply that which Kamperman lacks. Particularly, Park relates to a method for preventing an illegal user from viewing the digital video system and copying from the digital video system. Park discloses setting a descrambling method that decrypts split keystreams using a smartcard (*see* Park, Abstract). However, Park fails to disclose or suggest receiving encrypted transmitted digital information, decrypting the encrypted transmitted digital information, and subsequently *re-encrypting* the transmitted digital information using a key known to the decoder.

In view of the above, it is clear that amended independent claim 30 is patentable over Campinos, Kamperman, and Park, whether considered separately or in combination. Dependent claims 17-20 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/023001).

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Respectfully submitted,

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